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Monitoring the Access to Information Law Compliance in the Balti County*

(January 13-February 13, 2003)

Although the Access to Information Law (no. 982) was passed by the parliament three years ago, media and citizen access to public information in the county of Balti is still very limited. This is the main conclusion reached in a survey on the compliance with the Law by a number of public institutions in the Balti county.

The monitoring of the application of the Access to Information Law was conducted between January 13 and February 13, 2003, and included several public bodies in the Balti county:

Information was requested using the procedure stipulated in the Law from the following bodies:

- General Statistics Division
- Alecu Russo State University
- Balti Municipal Prosecutor's Office
- Balti Municipality
- Balti County Prefecture
- Balti Economic Police
- Balti City Registrar's Office
- Balti County Employment Office
- Balti Court of Justice
- Balti County Council Division for Economy and Reforms.

Six public officers from various bodies were surveyed:

- Aurel Puica, secretary of the Balti County Council
- Tamara Gutu, Head of the County Archive
- Nicolae Ropot, Mayor of the town of Sangerei
- Ion Terteia, Head of the General Statistics Division
- Maria Ghebos, Head of the Public Relations Office of the Balti Municipality
- Pavel Lupacescu, Prefect of the Balti County.

During the monitoring of the compliance with the Law it was found that the provisions of the Law were treated superficially, and in some cases public officers were not aware of such a law. Thus, as a public officer from the County Council confessed, it had taken him half a day to find the Access to Information Law in the Council's offices, which he needed to answer the questions in the monitoring questionnaire. Another example of a similar problem was the discussion of the observer with the Head of the General Statistics Division. According to the official, the main law by which he was guided in providing information was the Law on Statistics, passed 13 years ago. A different instance that generated surprise and doubts was the fact that some institutions denied receiving requests for information since 2000, although there were requests submitted during the monitoring period.

Chapter 1 Information Requests

We should mention from the beginning that on 13 January 2003 ten requests for information were mailed to various public bodies (see list above), but only half of them were answered. The requests used real names of specific citizens, but also pseudonyms.

- a) General Division for Economy and Reforms (GDER) of the Balti County Council was the first to respond to the request. This makes us believe that the staff of this body know about the existence of the Law and are open to offering citizens the information they possess. The information requested was supplied (to Vladimir Rosu, a pseudonym) via e-mail, and the observer also received on January 17 an official letter signed by the head of the General Division for Economy and Reform (Andrei Balanschi). We also requested data on the development of small businesses in the county of Balti in the last two years. It was not supplied on grounds that "there are no such statistical data."

- b) b) Since the written request also contained a te-lephone number, the president of the Balti Court of Justice (Tatiana Podprigora) inquired by phone about the institution I was representing and was surprised by the fact that the request was from “a simple citizen” (Vladimir Boingiu). The President of the Court said the requested information “will soon be published in the newspapers Golos Balti and Plai Baltean, so consider this phone call as the answer to your questions.” Besides, Tatiana Podprigora remarked that “the information was requested in a ‘terrible’ tone within 15 days.” After the observer insisted to have his request answered, on January 20 he received a letter from the Court with superficial information. Besides, we should mention that the Balti Court sees it as something unnatural to formulate a request according to laws and standards. It is to be mentioned that by the end of the monitoring period the information promised by the president of the Balti Court was never published in the local press.
- c) c) Balti City Prosecutor’s Office, the body overseeing the compliance with the law (represented by deputy prosecutor A. Bordianu), answered the request for information in detail. Moreover, the signatory expressed his willingness to clarify it further should it be needed. The letter with the answer arrived at the applicant’s address (Ala Deleanu) on January 30.
- d) d) Ilie Chitac, director of the Balti County Employment Office, answered the information request very concisely and precisely. Besides, he also referred to other sources of information (Monitorul Oficial al Republicii Moldova). The answer was received by the applicant (Ala Deleanu) on January 30.
- e) e) Balti County Prefecture, represented by Pavel Lupacescu, who represents the government in the province, also supplied exhaustive answers to the information request (signed by Vladimir Boingiu). In the letter accompanying the information (received on January 30), the Balti Prefect wrote that “... I also believe it necessary to express my satisfaction with your receptivity to the everyday issues of the County Prefecture’s work ... and your awareness of the importance of complying with laws.” Besides, the applicant was “invited to the Prefecture should you have an oral request.” These statements by the prefect make us believe that this institution complied with the information supply procedure.

Observer’s Comments to Chapter 1

Concerning Information Requests we have to note that none of the bodies approached asked for an extension (5 working days, as per Law) to supply the information. The requests were not answered by the County Statistics Division, Balti Economic Police, Balti City Registrar’s Office, and the Alecu Russo Balti State University, although in the latter case the information was requested from the rector (Nicolae Filip) by the Press Freedom Committee of Moldova. These five institutions proved to be completely “closed” for the common citizen, and the information they hold seems to be “for internal use only.” For how can one otherwise see the fact that the Balti Registrar’s Office refused to disclose the number of inhabitants from Balti who had legitimated their marriage with foreign citizens at this institution? Is this really a secret?

Chapter 2 Surveying Officers in Charge of Supplying Official Information

In order to assess the compliance with the Access to Information Law six officers were surveyed, who represented various institutions in the Balti county. The officers answered the questionnaire both in writing and by interview. Aurel Puica, secretary of the Balti County Council, said that the President of the County Council (CC) appointed the head of the Administrative Division in charge of supplying official information. Secretary Aurel Puica also said that in order to ensure the public’s access to information, information boards had been placed inside the County Council, which featured CC’s decisions and orders. Besides, as the officer assured us, information could be also obtained from the five information centers of the County Council. Concerning information about the organization of CC, its working hours, etc., it had been published in Monitorul Judetean, a supplement of the Plai Baltean newspaper published by the County Council. Plai Baltean had also published the photographs of the councilors and decision makers of the county administration, and short bios for each of them. The newspaper had also published the rules of operation of the CC’s divisions and sections. By an order of the CC President, visiting hours for the public had been established, Puica said but without specifying whether they had been published. The CC’s main resolutions were published in Monitorul Judetean and Plai Baltean. When asked whether the Balti CC had a special ledger to register information requests, the CC secretary answered that there was none, specifying that “they are registered along with all the others.” Since May 2000 until present no such request has been registered at CC, nor any oral one. During the survey, the officer said that the CC meetings were public and open to journalists. The citizens who wanted to be present at CC meetings were registered by the CC secretary and only then they could enter the meeting room, said Aurel Puica. The County Council had not published a list of official documents developed by this body, “since this is not required by law, and documents are accounted for in a special register.” The Balti County Council secretary

also said that there was no list of secret documents at the institution, and that there was no formal regulation concerning the obligations and rights of public officers when supplying official information.

Maria Ghebos, Head of the Public Relations Office of the Balti Municipality, told us that by mayor's order no. 2142 of 29 December 2000, she was authorized to supply official information. She was not given any special training to help her fulfill her obligations and requirements under the Access to Information Law. The Balti Municipality, by order no. 110 of 20 January 2001, provided an office (312) to help the population find information on the work of the Municipality and Municipal Council. The office is open daily, from 9 a.m. to 5 p.m., save Saturdays and Sundays, Ghebos told us; she also said that the Municipality published an order of the mayor in the local newspaper *Golos Balti* concerning the visiting days for citizens and the structure of the Municipality, its address, officers, etc. *Golos Balti* (owned by the Balti Municipal Council) regularly published the visiting days and hours of the municipality's management. Maria Ghebos also said that only the most important resolutions of the Municipal Council and orders of the mayor were published in the local press. For instance, the above-mentioned paper published the draft budget of the Balti city for 2003. It is to be remarked that the Balti Municipality has a register recording the information requests (officer in charge—A. Borodkina, chief specialist), and from May 2000 until present 11 requests have been recorded. They mainly refer to private matters or request copies of laws. As Maria Ghebos assured us, all copies requested had been supplied to the applicants. No records are made of oral requests, since there have been none since 2000. Ghebos assured us that all the activities organized by the Municipality are public. Journalists can attend Municipality meetings as well as meetings between local and central authorities. At the same time, there is no accreditation mechanism for journalists. The Balti Municipality does not publish the lists of resolutions passed by the Municipal Council or the Mayor's orders, since most of them have a private character (for example, they concern renting premises, purchasing or selling land, issuing orders on the distribution of housing, changing names of citizens, allocating moneys for disadvantaged families, issuing tobacco and alcohol trading licenses, etc.).

In a different context, Maria Ghebos informed the observers that by mayor's order no. 143 of 2 February 2001, a regulation was approved for the rights and obligations of the Balti Municipality staff in supplying official information. One should note that the Balti Municipality does not have a register of secret documents.

Nicolae Ropot, Mayor of the town of Sangerei, told us during the survey that the Sangerei Municipality appointed a person in charge of supplying official information (Galina Afanasiev), who did not undergo special training. Concerning a special office for supplying information, the Sangerei mayor said that there were several boards in front of the Municipality which featured current information and announcements by businesses and institutions. Also, inside the Municipality there is a space board, but there is no special documentation office. Applicants can access information at the Public Relations Section. Two public meetings were held in Sangerei (in August and October last year), during which citizens were informed about the frequency of City Council meetings and about the Municipality's organizational chart. Also during those meetings the salaries of Municipality officers were made public as well as budget allocations for the administrative apparatus. In addition, during one of the meetings the 2003 budget was discussed. This information was published in *Monitorul de Sangerei*, supplement of the local newspaper *Ecoul nostru*, Mayor Nicolae Ropot said. When asked during the monitoring, the Sangerei Municipality secretary Vasile Nerti said that there was a register at the Municipality for recording written information requests and since May 2000, 11 such requests had been registered; the requests had been fully answered. By and large, the requests concerned laws and normative acts of the central as well as local bodies. Referring to oral information requests, Vasile Nerti informed us that 88 of them had been recorded in the given period and all of them had been examined. The Sangerei mayor also said during the survey that all Municipality meetings were public and journalists were regularly invited to them. The resolutions of the Municipal Council and the mayor's orders as well as information on budget execution were published in *Monitorul de Sangerei*. Inside the municipality there is a board featuring current information on the work of the Municipality. There is also a box in which any citizen can drop letters, even anonymous ones. Since this is a small body, the Sangerei Municipality has no document regulating the obligations and rights of officers when supplying information, said Nicolae Ropot, adding that this is the responsibility of Galina Afanasiev. At the Sangerei Municipality, according to the mayor, there is no register of secret documents nor confidential resolutions of the local administration.

Pavel Lupacescu, Prefect of the Balti County, said during the interview that his institution did not have an officer in charge of supplying official information, since there was a division for petitions and secretariat, which recorded petitions. All information that leaves the Prefecture is not signed by the prefect. Besides, the Prefecture does not pass normative acts and its resolutions have the status of recommendations. The government's representative office in the county of Balti has no special office for documentation, but all other offices meet the requirements for supplying information, Prefect Pavel Lupacescu specified. Information describing the structure of the Prefecture, responsibilities of various divisions has not been published since no funding was budgeted for this. At the same

time, all this information (visiting hours and days set by the Government) have been published in Monitorul Oficial al Republicii Moldova. Since the point when the Prefecture had been created only one citizen requested information, but there was no register for recording information requests. All working meetings of the Prefecture are public. Mayors and managers of decentralized public services are invited to them. Although there is no mechanism for accrediting journalists, Pavel Lupacescu says they are always welcome at the Prefecture.

The Balti Prefecture has not published a list or guide to resolutions passed, since it does not issue binding resolutions (since there is no subordination between the Prefecture and other public authorities). We offer free information to newspapers requesting it, the prefect said. The Prefecture officers are guided in their work by the Organization and Operation Rules, developed based on the template rules of operation for prefectures approved by governmental resolution. The Prefecture does not make its own documents secret, and hence it does not have a register of such documents, the Balti County Prefect Pavel Lupacescu informed us.

Ion Terteia, Head of the County Statistics Division (CSD), declared during the interview that in this institution it was only he and his deputy who had the right to supply official information. In supplying information the two authorized officials are guided exclusively by the Law on Statistics (passed in 1990). Although this law could contradict other legislation, Ion Terteia said they were using the law that regulated the work of his institution. He also said that any citizen could enjoy assistance in finding out information. Recently, the County Statistics Division has not been informing the population on its structure, working days, etc., since it works more with businesses, public institutions and various organizations, Ion Terteia maintains, also saying that “people know us very well and they know where to come.” The CSD head said that his institution did not have a register to record information requests, but there was a folder in which the requests were stored. As the chief officer said, the 65 requests submitted since May 2000 until January 2003 had been responded to. By and large, they concerned the rate of inflation in the country, the minimal consumption basket, the average monthly salary, etc. Ion Terteia said that oral requests were responded to instantly. If citizens want to attend CSD meetings they are allowed to do so since there are no secrets to hide. CSD publishes, at least once a month, information about the evolution of the economy, the social situation, etc. Such information is published both in the local printed and electronic press. The way in which the information is published in the local printed press did not suit the statistics head because the CSD supplied a large amount of information but only small stories were published. The 52 officers are guided in their work by the National Statistics Department Rules of Operation (to which the Balti CSD reports). When asked if his institution had a register of secret documents, Ion Terteia said that there was no such register, but there were regulations, in compliance with the Statistics Law, concerning the supply of confidential information.

Tamara Gutu, Head of the County Archive Service (CAS), informed us in the questionnaire that at the institution there was no officer in charge of supplying information, but there was a special office for citizens wanting to have access to information. Since this is a body reporting to the Balti County Council, the Archive Service has made public the information concerning its structure and working hours. There is a register at CAS for recording information requests. Between 2000 and 2002, 2237 requests were registered, of which 1926 were responded to. Refusals were issued on 311 requests because the requested information or documents were not in the archive. In order to locate information, CAS has special markers and cards containing short descriptions of the files held by the archive. Tamara Gutu also said that the CAS staff were guided by Archive Service instructions, which regulated the way in which information, copies of documents and other acts were to be supplied. The Balti CAS has no secret documents and hence no register of them.

Observer Comments to Chapter 2

Under Officer Surveys one ought to mention some discrepancies identified during the monitoring of the Access to Information Law. The officers at the Balti Municipality and County Statistics Division said during the survey that all information requests registered in the last three years had been fulfilled, while in reality they did not respond to the requests submitted as part of the monitoring (mailed on January 13). It also seems strange that in about the three years during which the Access to Information Law has been effective the Balti County Council has not received a single information request. Has the CC really not received a single request while the Sangerei Municipality has received 11 written and 88 oral requests? We should mention that the CC covers more than half a million people (the Balti county is one of the largest territorial-administrative units of Moldova), while Sangerei has a population of about 15 thousand. These findings make us believe that the answers given by some officers during the survey concerning the compliance with the Access to Information Law were purely declarative and the reality was different. It seems that the Sangerei Municipality does provide access to information. This town was selected as partner in the project Local Public Authorities Reform conducted by USAID. It was within this project, as Mayor Nicolae Ropot told us (who is a journalist by training) that two public meetings had been organized, and additional activities had been planned to make the local administration more transparent.

General Conclusions

The fact that a good part of the Balti public institutions, subject to monitoring, did not respond in any way to information requests makes us think that the Access to Information Law is a “dead letter” for them. The implementation mechanism of the Law proves to be “rusty.” This is for at least two reasons. First: public institution officers believe (this shows in their attitude) that access to information is NOT a very important thing for citizens. Second: the citizens, with few exceptions, are not interested in receiving information and this suits the authorities. Besides, the right of the citizen to be informed is treated with suspicion by public officers and people holding public information (the case of the Balti Court of Justice). Some officers select as they will the resolutions and official documents to be published (the case of the Balti Municipality in publicizing local resolutions). We believe that the access to information in Balti public bodies depends to a large extent on the officer in charge of this and on the degree to which he/she is open to supply such information. Another factor that hinders the access to public information is the fact that the corresponding services within public institutions don’t bother to inform the press about the events and meetings that take place (for example: Balti Municipality). Hiding some events from a part of the press and opening them to another part of the media leads us to the thought that the Balti Municipality officers think that the PRESS is only the Russian-language municipal paper Golos Balti and the municipal TV station. How can one otherwise explain the fact that only these media are informed about events at the Municipality? Moreover, at no public institution in Balti is there a journalist accreditation system. In the conclusion of this report we want to mention that press services “manufacture” press releases only for the official media, and county and municipal authorities organize press conferences extremely rarely. Do elected officials really have no information that they would like to share with the public opinion through the media?

General Information on Balti County

The Balti County, one of the largest territorial-administrative units of Moldova, is situated in the north-west of the country and borders on Romania and the counties of Edinet, Soroca, Orhei, and Ungheni. Area: 4152 sq.km (12.3% of the country’s territory). Population: 506.3 thousand. Density: 122 people per sq.km. The Balti county includes a total of 244 communities, of which six are towns.

General Information on the Press in the Balti County

At present in Balti there is a news agency with national coverage (DECA-press); four county and regional newspapers (Accent provincial—Rom.; Ecoul nostru—Rom.; SP—Rus.; Makler. Balti edition—Rus.; Plai Baltean—mixed); a municipal newspaper (Golos Balti—Rus.); three school newspapers (Crenguta—Falesti; Opinia9—Glodeni; Apropos—Glodeni); local offices of national newspapers, radio and TV stations: Nezaavisimaia Moldova, Literatura si arta, TV Moldova 1, Radio Moldova. In the Balti county at present there are four local TV stations: TV6-Balti, Teleradio Balti, TV-Prim (Glodeni), Rascani TV. In the city of Balti there are three local radio stations (FM-103.5, Russkoe Radio, and the local wire radio).

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